

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 12, 2009**

DIVISION TWO

[illegible]

The 10-year gang enhancement and the \$20 DNA collection fee are stricken from the judgment. The trial court is directed to prepare an amended abstract of judgment. We affirm the judgment as modified.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.  
Chavez, J.

## DIVISION THREE

B210099      People                                  (Not for Publication)  
v.  
Alfonso Montes

The judgment (order granting probation) is modified by modifying the previously enumerated second and third probation conditions to read: "Stay away from places where persons known to you to be illegal users, buyers, or sellers of such controlled substances congregate except in an authorized drug counseling program. Do not associate with persons known by you to be illegal users or sellers of controlled substances except in an authorized drug counseling program." As so modified, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

August 12, 2009 (Continued)

### DIVISION THREE (continued)

B216092            M.C.                                 (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

To the extent mother seeks to set aside the finding on the count alleging mother's continued consumption of alcohol, the petition for extraordinary relief is granted; in all other respects, the petition is denied. The request for stay of the section 366.26 hearing, which is set for September 30, 2009, is denied, and our decision is final as to this court immediately. (Cal. Rules of Court, rule 8.490(b)(3).)

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B211442      People                                  (Not for Publication)  
v.  
Albert Walker

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

DIVISION FOUR

B206102 Palmer/Sixth Street Properties  
v.  
City of Los Angeles

Filed order denying petition for rehearing.

DIVISION FIVE

B215920      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
E.L.  
J.L.

The Welfare and Institutions Code section 366.26 order is reversed and the cause is remanded for compliance with the federal Indian Child Welfare Act requirements and related state provisions. This opinion is final forthwith. The remittitur is to issue forthwith.

Turner, P.J.

We concur:    Armstrong, J.  
Kriegler, J.

B207097      People      (Not for Publication)  
v.  
Humberto Urquiza

The restitution orders are reversed and the matter remanded to the trial court for a restitution hearing pursuant to section 1202.4, subdivision (f)(1). The judgment is modified to impose a second court security fee pursuant to section 1465.8, subdivision (a)(1), for a total of \$40. In all other respects, the judgment is affirmed.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
Kriegler, J.

## August 12, 2009 (Continued)

## DIVISION FIVE (continued)

B208151 People (Not for Publication)  
v.  
Davonte Tolfree

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B210787      Keller v. Tuesday Morning, Inc.

Argument continued to September, 2009.

B205793      Cook v. Cook

Argument waived, cause submitted.

B211136      Bradley  
v.  
Bradley

Merits:  
Argued by Shantel Jenea Kuntuzos for appellant and by Stephen E. Webber for respondent. Cause submitted.

DIVISION SIX (continued)

B208062     Rands  
              v.  
              Rands

Merits:

Argued by Tamila C. Jensen for appellant and by Thomas E. Olson for respondent. Cause submitted.

B208086     Alta Lab Casework, LTD.  
              v.  
              Mid Canada Millwork, LTD.

Merits:

Argued by Christopher Raymond Sillari for appellant and by Nathan Charles Rogers for respondent. Cause submitted.

B203156     Symonds  
              v.  
              Symonds

Merits:

Argued by Thomas Michael Roth for appellant and by Thomas Martin Tomlinson for respondents Jessica Symonds, et al. Argument previously waived by respondents Levenson, et al. Cause submitted.

B210868     Bearman, M.D.  
              v.  
              Medical Board, State of California

Merits:

Argued by Joseph D. Allen for appellant and by Brent W. Reden, Deputy Attorney General, for respondent Sweet. Cause submitted.

Perren, J. left the bench.

DIVISION SIX (continued)

B212337     Alvis  
              v.  
              County of Ventura

Merits:

Argued by Anthony Murray for appellants and by Robert C. Ceccon for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B206428     Reddell v. Calif. Coastal Commission

Argument continued to October, 2009.

Each of the following:

B212311 Dept. of Social Services v. H.F.

B214217 Child Welfare Services v. P.P.

Argument waived, cause submitted.

B208988     Molski  
              v.  
              Evergreen Dynasty Corp.

Merits:

Argued by Thomas Edward Frankovich for appellant and by Robert H. Appert for respondent who previously waived argument and obtained the court's permission to argue. Cause submitted.

DIVISION SIX (continued)

B211667     Barajas  
              v.  
              Valley Commercial Contractors

Merits:  
Argued by Panda Lynn Kroll for appellants and by Ryan Moore Craig for respondent. Cause submitted.

B216139     A.P.  
              v.  
              Santa Barbara Superior Court  
              (Child Welfare Services, r.p.i.)

Extraordinary:  
Presented by A.P., petitioner, appearing in propria persona. Presentation of argument previously waived by real party in interest. Cause submitted.

B212524     Sustainable Transportation Advocates of Santa Barbara  
              v.  
              Santa Barbara County Association of Governments

Merits:  
Argued by Eugene S. Wilson for appellant and by Whitman Fortescue Manley for respondent. Cause submitted.

Court recessed.

Court reconvened at 3:05 p.m.

Present: Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B210919     Marriage  
              of  
              Williams

Merits:  
Argued by Daniel A. Murphy for appellant and by Vanessa Kirker for respondent. Cause submitted.

August 12, 2009 (Continued)

## DIVISION SIX (continued)

B210866      Bradford  
v.  
Moonstone Management Corp.

Merits:  
Argued by Daniel Mark Siegel for appellants and by Neil S. Tardiff for respondents. Cause submitted.

Court adjourned.

## DIVISION SEVEN

B211157 People (Not for Publication)  
v.  
Marinero

The judgment is affirmed.

Woods, Acting P.J.

We concur:   Zelon, J.  
                      Jackson, J.

B209403 People (Not for Publication)  
v.  
Blumberg

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.



August 12, 2009 (Continued)

DIVISION SEVEN (continued)

B212935 People (Not for Publication)  
v.  
Jones

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.  
Zelon, J.

B207392      Aragon, et al.      (Not for Publication)  
v.  
Appling, et al.

The judgment is affirmed. Appling and Fields shall recover their costs on appeal.

Jackson, J.

We concur: Woods, Acting P.J.  
Zelon, J.

## DIVISION EIGHT

B201789 Campos (Not for Publication)  
v.  
Oppenheimer Funds Distributor, Inc.

The appeal is dismissed. OFDI shall recover costs on appeal, and the matter is remanded to the trial court for determination of whether OFDI should recover attorney fees on appeal and, if so, the reasonable amount of such fees.

Flier, Acting P.J.

We concur: Bigelow, J.  
Bendix, J. (Assigned)

DIVISION EIGHT (continued)

B203923      Jhaveri, et al.,      (Certified for Publication)  
                 v.  
                 Teitelbaum et al.

The judgment is affirmed. The order is affirmed. The Jhaveris are to recover costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.  
                 Bendix, J. (Assigned)

B209700      People      (Not for Publication)  
                 v.  
                 Campa

The judgment is affirmed.

Flier, Acting P.J.

We concur: Bigelow, J.  
                 Bendix, J. (Assigned)

B209598      People      (Not for Publication)  
                 v.  
                 Jacobs

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
                 Bendix, J. (Assigned)